



STATE OF DELAWARE
DEPARTMENT OF PUBLIC SAFETY
DIVISION OF MOTOR VEHICLES
P.O. Box 698
DOVER, DELAWARE 19903

OFFICE OF THE
DIRECTOR

TELEPHONE: (302) 744-2510

February 10, 2003

MEMORANDUM

TO: Kendall Rogers

FROM: Michael D. Shaham *MS*

SUBJECT: Reassignment to the New Castle DMV Facility

The New Castle Driver's License Section currently has one full-time vacancy, one employee assigned to Wilmington, and another employee out of work indefinitely on a leave of absence. Nine employees including the person currently on leave of absence staff the section. The Dover Driver's License Section has eight full-time employees including yourself.

During the last two months, the New Castle office has processed 10,576 driver license transactions or an average of 1,175 per employee. The Dover office, during the same period, conducted 5,946 driver's license transactions or an average of 743 per employee. Also during that period, New Castle conducted 564 road tests with a current CDL waiting period of 14 days versus 223 tests and an 8 day CDL waiting period in Dover.

The Division of Motor Vehicles is making an accommodation for your physical limitations, as indicated by your treating physician, by allowing you to work in Driver's License rather than your original permanent assignment in the inspection lanes. However, as demonstrated and documented above, operational needs dictate that this accommodation occur in New Castle.

Effective February 18, 2003 you are to report to work at the New Castle DMV facility. At this time, the New Castle office is in greater need of Motor Vehicle Technician II assistance than the Dover office. This will be your newly assigned, permanent work location.

pc: Jack Eanes, Chief of Operations
Art Ericson, Chief of Driver Services
Bucky Stapleton, MV Services Supervisor
Marion Davidson, MV Services Supervisor
Bill Esterling, Manager, New Castle
Alex Krajewski, Chief of Support Services
Michelle Flanders, Human Resources Manager

EXHIBIT 8

McCann Michael (MTRV)

From: McCann Michael (MTRV)
Sent: Wednesday, March 03, 2004 4:43 PM
To: Krajewski Alex (MTRV)
Cc: Beyer Doug (DeIDOT)
Subject: FW: Kendall Rogers

Alex-----Doug Beyer will want to know what is happening with Kendall. When we have all the position numbers etc. straightened out, please let Doug know. Thanks.

Michael O. McCann
Chief of Administration
Delaware Division of Motor Vehicles
302.744.2546 / 302.739.3152(fax)
michael.mccann@state.de.us

-----Original Message-----

From: McCann Michael (MTRV)
Sent: Wednesday, March 03, 2004 4:41 PM
To: Ericson Art (MTRV); Krajewski Alex (MTRV); Eanes Jack (MTRV); Shahan Mike (MTRV)
Subject: Kendall Rogers

I received a voice mail message from Jim Hanley this afternoon informing me that we could move Kendall back to Dover at any time. As usual, please make sure that Alex is in the loop for all moves and changes. Thanks and full speed ahead.

Michael O. McCann
Chief of Administration
Delaware Division of Motor Vehicles
302.744.2546 / 302.739.3152(fax)
michael.mccann@state.de.us

3/3/2004

EXHIBIT 9

McCann Michael (MTRV)

From: McCann Michael (MTRV)

Sent: Wednesday, March 03, 2004 4:36 PM

To: Hanley James (DOJ)

Cc: Shahan Mike (MTRV)

Hi Jim,

Got your message about Kendall Rogers. We will be moving him back to Dover within the next few working days. I have another issue that needs your review. On

Michael O. McCann
Chief of Administration
Delaware Division of Motor Vehicles
302.744.2546 / 302.739.3152(fax)
michael..mccann@state.de.us

3/3/2004

EXHIBIT 10

McCann Michael (MTRV)

From: Flanders Michelle L (DPS)
Sent: Monday, February 24, 2003 11:35 AM
To: Shahan Mike (MTRV); McCann Michael (MTRV)
Cc: Ford James L (DPS)
Subject: K. Rogers

Mike and Mike,
Mr. Rogers has a filed a charge of retaliation against the Division/Department with the DOL. I have already made contact with Jim Hanley and Bill regarding the charge. Although we somewhat expected this when you have a few minutes we should meet so that we can go over it. Thanks.

Michelle L. Flanders
Human Resources Manager
Office of the Cabinet Secretary
Department of Public Safety
Work (302) 744-2689
Fax (302) 739-2512
Michelle.L.Flanders@state.de.us

January 30, 2003

Michael O. McCann
Chief of Administration
Division of Motor Vehicles



MEMORANDUM TO FILE:

I have been informed that Kendall Rogers, Motor Vehicle Technician II, has refused to take part in the recertification process required of Technicians that work in the vehicle inspection lanes.

Mr. Rogers' position is assigned to and his initial duties were in the Dover inspection lanes. Due to medical problems, Mr. Rogers was reassigned to the Dover Driver License Section as of March 11, 2002.

When Mr. Rogers was contacted about renewing his certification, he refused to undergo the testing. No action has been taken or is anticipated against Mr. Rogers for his refusal.

Cc: Michelle Flanders
Jack Eanes
Art Ericson
Alex Krajewski

February 10, 2003

MEMORANDUM TO FILE

Today, Michelle Flanders, Department of Public Safety Human Resource Manager, Jacke Eanes, DMV Chief of Operations and myself met with Kendall Rogers, DMV Motor Vehicle Technician II in my office at 1:45 PM.

The purpose of the meeting was to present to Mr. Rogers a memorandum from Michael Shahan informing him that he was being permanently reassigned to the New Castle DMV facility as of February 18, 2003.

Mr. Rogers read the memorandum and indicated that he had no questions at the time. He was then dismissed at approximately 1:55PM. The meeting occurred without incident or lengthy discussion.

Cc: Jack Eanes
Michelle Flanders
Alex Krajewski

McCann Michael (MTRV)

To: Flanders Michelle L (DPS); Eanes Jack (MTRV); Shahan Mike (MTRV); Krajewski Alex (MTRV); Ericson Art (MTRV)
Subject: Kendall Rogers

This afternoon at approximately 12:30 I received a telephone call from Kendall Rogers. He asked why he had been selected to go to New Castle. I informed him that, as the letter stated, DMV was willing to accommodate his physical limitations by allowing him to work in Drivers License, but that the operational needs were in New Castle not in Dover. I also informed him that we had asked for volunteers to go to New Castle but no one came forward. I told him that being the least senior Technician II also was a factor in being chosen for the reassignment.

Mr. Rogers informed me that he that the reassignment was in retaliation for his legal suites and that he was going to seek legal advice concerning this issue. I told him that he had every right to do so, but I advised him that not coming to work was only going to create more possibilities for disciplinary action. He did not indicate when or if he would return to work.

Michael O. McCann
Chief of Administration
Division of Motor Vehicles
(302)744-2546(wk) / (302)739-3152(fax)
E-Mail: Michael.McCann@state.de.us

McCann Michael (MTRV)

From: Eanes Jack (MTRV)
Sent: Wednesday, February 05, 2003 4:13 PM
To: McCann Michael (MTRV)
Subject: RE: Rogers
Sounds good.

Jack E. Eanes
Chief of Operations
Delaware Division of Motor Vehicles
302.744.2515 / 302.739-2042 (fax)
jack.eanes@state.de.us

-----Original Message-----

From: McCann Michael (MTRV)
Sent: Wednesday, February 05, 2003 4:06 PM
To: Eanes Jack (MTRV)
Subject: RE: Rogers

No. The letter to him has finally been reviewed by HR and typed for Mike's signature. We need to schedule a time to talk to him. Michelle will be there as should someone in his chain of command. I would suggest Art, but that's up to you. When Michelle returns tomorrow I'll try to get something firmed up. The letter says that he will report to New Castle on 2/18. If he is talked to in the next day or so, that gives him plenty of notice. I'll schedule it with Michelle and Art unless you tell me differently. Thanks.

-----Original Message-----

From: Eanes Jack (MTRV)
Sent: Wednesday, February 05, 2003 2:12 PM
To: McCann Michael (MTRV)
Subject: Rogers

Did you tell him he has to go yet?

Jack E. Eanes
Chief of Operations
Delaware Division of Motor Vehicles
302.744.2515 / 302.739-2042 (fax)
jack.eanes@state.de.us

2/5/2003

EXHIBIT 15

McCann Michael (MTRV)

From: Eanes Jack (MTRV)
Sent: Monday, January 27, 2003 4:24 PM
To: McCann Michael (MTRV)
Cc: Ericson Art (MTRV)
Subject: RE:

Send him up there full time in the vacant position and bring that position back to Dover inspection lane so Tom can fill it when the hiring freeze is over. I assume you and Michelle will tell him.

Jack E. Eanes
Chief of Operations
Delaware Division of Motor Vehicles
302.744.2515 / 302.739-2042 (fax)
jack.eanes@state.de.us

-----Original Message-----

From: McCann Michael (MTRV)
Sent: Monday, January 27, 2003 4:17 PM
To: Eanes Jack (MTRV); Ericson Art (MTRV)
Subject: FW:

Jack,

Please see Art's input below regarding Kendall Rogers going to New Castle. When you guys work out whether he is going up there full-time or just on Wednesdays, let me know. Then we can have the talk with him. Please don't forget that Michelle Flanders wants to be there when we have that talk.

-----Original Message-----

From: Ericson Art (MTRV)
Sent: Monday, January 27, 2003 2:52 PM
To: McCann Michael (MTRV)
Cc: Stapleton Bucky (MTRV)
Subject: RE:

No volunteers to go to New Castle. We talked with Marion Davidson. She says (per Bucky) she is three short but she can handle the workload with the current staff. They are cross training some one from registrations to help her when needed. I suspect Wed. night will be the only time she needs help unless the workload increases.

-----Original Message-----

From: McCann Michael (MTRV)
Sent: Monday, January 27, 2003 2:45 PM
To: Ericson Art (MTRV)
Subject:

Hey Art---Did you get any volunteers for assignment in New Castle???

Michael O. McCann
Chief of Administration
Division of Motor Vehicles
(302)744-2546(wk) / (302)739-3152(fax)
E-Mail: Michael.McCann@state.de.us